

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

RYAN, LLC, *et al.*

Plaintiffs,

v.

FEDERAL TRADE COMMISSION,

Defendant.

Case No. 3:24-v-00986-E

**SMALL BUSINESS MAJORITY AND EVAN STARR’S
UNOPPOSED MOTION FOR LEAVE TO FILE A BRIEF AS
*AMICI CURIAE***

Proposed *amici curiae*—Small Business Majority, a national organization with a constituent network of more than 85,000 small businesses, and Evan Starr, an economist with extensive expertise in noncompetes and labor restraints—respectfully seek leave to file the accompanying brief in support of the Federal Trade Commission (FTC) and its Non-Compete Clause Rule, 89 Fed. Reg. 38,342 (May 7, 2024) (the Rule) pursuant to Local Rule 7.2(b). Undersigned counsel has notified counsel for the named parties of its intent to file this motion, and the named parties consent to this filing.

The extent to which the court permits or denies *amicus* briefing lies

solely within the court’s discretion.” *Texas v. United States*, No. 6:21-CV-00003, 2021 WL 2172837 (S.D. Tex. Mar. 5, 2021) (quoting *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007)). A court may grant leave to allow *amicus* briefing if the information offered is timely and useful. *Waste Mgmt. of Pennsylvania, Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995).

Amici engage their substantial networks to deliver resources to entrepreneurs and advocate for public policy solutions that promote inclusive small business growth. *Amici* have a strong interest in FTC’s recent rulemaking as its members are particularly disadvantaged by noncompetes, which inhibit finding talent, curb innovation, and represent an artificial restriction on mobility that curbs business growth.

Amici respectfully submit that the Court will find their unique expertise invaluable in resolving the legal issues raised by the pending motions. Proposed *amicus* Small Business Majority represents thousands of businesses that will be impacted by the Rule, and has conducted an extensive survey studying its likely effect on small businesses. Proposed *amicus* Professor Evan Starr is a leading authority on noncompete agreements, and his work has been extensively cited on

this issue, including by the FTC in its Rule and in briefs filed in this case. *See, e.g.,* Brief of *Amici Curiae* Nat'l Retail Federation *et al.*, ECF 49-1, at 15-20 (extensively discussing Professor Starr's research). Proposed *amici* therefore submit that the attached brief will add the Court's consideration of the issues in this litigation.

Moreover, the Court's acceptance and consideration of the attached brief will not cause any delay and has been filed with sufficient time for the Court and the parties to consider the merits of the arguments raised.

CONCLUSION

For the reasons described above, *amici* respectfully ask the Court to grant leave to file the attached brief in opposition of Plaintiff's and Intervenor's Motions and in support of the FTC's rule-making authority.

June 4, 2024

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Respectfully submitted,

/s/ Jamie Crooks

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CERTIFICATE OF COMPLIANCE

I hereby certify that on June 4, 2024, I conferred with counsel for Plaintiff, counsel for Plaintiffs-Intervenors, and counsel for the FTC regarding the above motion. Counsel for Plaintiff, Plaintiffs-Intervenors, and the FTC consent to the relief requested.

/s/ *Jamie Crooks*
Jamie Crooks

CERTIFICATE OF SERVICE

I certify that on June 4, 2024, I electronically filed this document using the ECF System, which will send notification to the ECF counsel of record.

/s/ *Jamie Crooks*

Jamie Crooks

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**[PROPOSED] ORDER GRANTING SMALL BUSINESS
MAJORITY AND EVAN STARR’S UNOPPOSED
MOTION FOR LEAVE TO FILE A BRIEF AS *AMICI
CURIAE***

Before the Court is the Small Business Majority and Evan Starr’s Unopposed Motion for Leave to File a Brief as *Amici Curiae* (the Motion). Local Rule 7.2(b) allows an amicus brief to be filed with “leave of the presiding judge.” Having considered the Motion, the Court finds that it is well taken. Accordingly, the Motion is hereby GRANTED, and it is ORDERED that the *amicus* brief attached to the Motion is considered filed.

Signed this ____ day of _____, 2024.

Ada Brown

United States District Judge